

3/20/70

Mr. Richard Kleindienst
Deputy Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Kleindienst,

Your letter of the 25th, like those preceeding it, is not really responsive, is neither complete nor unequivocal, and is not in accord with the letter and spirit of the law and the directives of your own Department. Further, what it suited you to ignore, you did ignore.

I delayed making my original request for this data until I had in my possession proof it existed. If it no longer exists -and some Dr. Fisher assures me has been destroyed - your Department must know what happened to it. I believe this is information I am entitled to have and I would hope the Department of Justice would not require a lawsuit for its disclosure. The evasions and circumlocutions force me to repeat myself. Again I ask, if it is true "that the materials described do not exist in the files of this Department", what did you do with them? Were they destroyed? Or, if they have been deposited elsewhere, where are they now?

In previous letters I cited the directive of your Department that, if what is sought is not in your possession, you refer my request to the agency now having it. You have ignored it, so I request that you do this, sending me a copy of that communication. If this directive has been superceded by another, I ask for a copy of whatever instructions changed the directive I cited.

Mr. Rolapp, in his phone call of February 25, went so far as to claim the material I seek is not part of an official function of your Department. Properly, the concluding sentence of your letter of the 25th abandons this fiction. However, there remains the possibility that inquiries made by you or for you were addressed to the wrong person. Therefore, I ask that you ask Mr. Carl Eardley for the material I seek or for an accounting of whatever disposition was made of it.

If, as I have been informed, refusal must be in the name of the Attorney General for me to have exhausted my so-called administrative remedies, the Department's refusal to do this would seem to be a deliberate device it might later invoke to ask dismissal in court. I therefore ask assurances the refusal need not be in the name of the Attorney General, for the refusal in his name or a statement that the Department waives any such requirement of its regulations. If there are any added administrative remedies available to me, I would like to be informed of them.

Sincerely,

Harold Weisberg